



FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 22 2007

MAY - 2 2007

BY *[Signature]* MAY 30 2007
~~DEPUTY CLERK~~

FILED
CLERK'S OFFICE

DOCKET NO. 1760

#10

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE AREDIA AND ZOMETA PRODUCTS LIABILITY LITIGATION

Angelrose Mione v. Novartis Pharmaceuticals Corp., et al., S.D. New York, C.A. No. 1:07-29567

Ben Jackson v. Novartis Pharmaceuticals Corp., et al., S.D. New York, C.A. No. 1:07-29587

MDTN # 3:07-cv-0575

MDTN # 3:07-cv-0576

CONDITIONAL TRANSFER ORDER (CTO-34)

AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 210 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

It appears that the actions on this conditional transfer order comprise claims relating to: 1) the prescription drugs Aredia and/or Zometa; and 2) the prescription drug Fosamax. These actions are already included in MDL-1789 previously centralized in the Southern District of New York before the Honorable John F. Keenan. The Aredia/Zometa claims, however, appear to share questions of fact with actions in MDL-1760 previously centralized in the Middle District of Tennessee.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in these actions relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Southern District of New York for continued inclusion in the centralized pretrial proceedings in MDL-1789.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay shall be extended until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

FOR THE PANEL:

ATTEST AND CERTIFY
A TRUE COPY

Clerk

U.S. District Court
Middle District of Tennessee

[Signature]
Jeffery N. Lüthi
Clerk of the Panel

By: *[Signature]*
Deputy Clerk

